

BRIBE AND PREJUDICE

(S. Jai Kumar, Advocate)

"Bribe is there, everywhere! Whereas, in other countries it is taken to do something out of the way, here it is taken to perform one's duty!"

- A dialogue from the famous Tamil movie "INDIAN"

To every common man, the words "Bribe" and "Corruption" would immediately create a sense of mental nausea! But, by and large, these obnoxious words have either been misunderstood or misinterpreted, to suit convenience and to add bias! Here is a prejudice, from yet another common man!

Today, "Honesty" has become one of the most prevalent hypocrisy, existing in the society! Many people use this "Honesty" tag, only to camouflage their arrogance, stupidity, incompetence, vendetta, cowardice and their other stinking deficiencies. Nobody seems to have understood the sanctity of this virtue and practice the same based on their own understanding and convenience, and I am no less! More pathetically, everyone tries to justify their understanding and practice, by giving coloured explanations! One of the major asylum sought by one and all, is the age-old maxim, "**End justifies the means!**"

The above proverb is one of the most misquoted one and used handily to justify bulk of the evil acts, in the society. Learned French writer Georges Bernanos observed that, "The first sign of corruption in a society that is still alive is that the *end justifies the means.*" What is the intent behind this maxim? Is it that, any "means" would get justified if the "end" is accepted? In other words, would an undue "means" such as "bribe" and "corruption" get justified, if it results in an accepted "end?" Let us see few examples.

All of us were mystified by the heroics of "Mr. Robin Hood" in our childhood days. His "Rob the riches to cater the rags" theory had always been a universal fantasy! Even though his "means" were devilish, we all accepted his heroism, as the "end" was noble! But having grown up to a responsible citizen of the society, today, he is much less than a Hero!

Hope majority of the readers would have watched the Oscar winning movie, based on real facts, "The Schindlers List". In the Spielberg's masterpiece, Mr. Oskar Schindler, a Nazi German, would give bribes to a German Army officer to procure the Jews into his factory, thus protecting them from the Fuehrer's holocaust. As per the German laws then existed, it is thoroughly illegal and a punishable offence! Both the "means" and the "end" were illegal. But today he is worshipped as a Hero and there exists a community called Schindlers' Jews, because of his illegal acts! Entire mankind shall stand to worship him as God, for the so-called illegal acts committed by him! So, what sanctified the otherwise a punishable offence into an act of worship? It is not the legality of the "ends" and "means" but the **nobility**, which justified Mr. Schindler! "Mr. Robin Hood" differs from "Mr. Schindler", in as much as, Mr. Schindler spent his own money to rescue the Jews, Mr. Robin Hood deprived the riches, for his noble deed! Hence, shall we conclude that is not only that "end" shall be noble but the "means" too! And may we call that nobility as Compassion?

Coming to the Revenue, I still remember an order passed by a then Assistant Commissioner, who extended the benefit of a notification to a firm, which they were not entitled for, just because of the reason that the firm was run by and for the leprosy victims! In fact, in the same order, he also made a remark that the order may not stand the judicial scrutiny but would justify his conscience! Even today, I am thrilled by the discretion exercised by that benevolent and compassionate Assistant Commissioner, notwithstanding its legality! But today, how many officers who are vested with extraordinary quasi judicial powers exercise their discretion with compassion, leave alone extending the benefit of a disentitled notification but even while imposing penalties? Maybe a handful! As observed earlier, nowadays, the entire bureaucratic fraternity appears to hold the cards of discretion and compassion close to their chest and put a label of "honesty" to such insipidity. Of all the variety of reasons that has led to this decline, "fear of consequences" holds the *forte*. Fear of consequences, is the most dangerous factor that should never creep into any public administration. But, unfortunately, it appears that it has ominously infiltrated into the minds of a major chunk of the machinery and has powerfully insulated the officers from exercising their discretion with compassion!

Drawing the lines closer, to me, "Honesty is exercising discretion with utmost compassion!" Honesty may or may not have a legal approval but essentially requires a noble approval! In other words, to justify any action, while "legality" is a peripheral requirement, "nobility" alone would be a paramount requirement! As long as, any discretion is exercised with utmost compassion, the same shall always get justified as "Honest!"

Ok! Now let me come to the crux of this piece! The trigger for this article is the following 3 probing questions that have brewed inside me, after the recent raids by the CBI across the nation. With due respects to the supreme sleuth agency, I have the following nagging questions left...

1. What happens to the poor victims who have been character assassinated in the society, at the first place? Can they redeem their social status or recover from the irreparable damages inflicted on them? For example, we all know about the then Chief Commissioner who was booked in a disproportionate wealth case has been recently acquitted. In normal course, he should have become a Board Member, maybe, even the Board Chairman. But today! After fighting the case blood and sweat, he should be a tired and exhausted man, somewhere, cursing his fate! Who is going to redeem his loss? Leave alone his office, who is going to redeem him from the character assassination and loss of face in the society? Eventhough, the Hon'ble Court has acquitted him, he has already been slaughtered in the society, thanks to the media! Is it not the bounden duty of the agency to make it public that the victim is not convicted but acquitted ultimately? On the other hand, will it not be a bit humane and right that, the name of the individual shall be made public only upon conviction and not upfront?
2. What is the percentage of conviction in respect of Anti corruption cases? In trap cases it may be 100%. But in other cases like disproportionate assets cases, what is the conviction percentage? Who knows? The heat is there only at the time of the raids. Thereafter, the fillip is gone and who cares about the results! For example, we all witnessed the top story of the arrest of the Board Chairman in a disproportionate wealth case? Does anyone know the status of the case today?

3. Last but not the least, in all such raids, why the Revenue services are all alone targeted and publicised? Is it because that there is no corruption elsewhere or because of the lure term "Revenue", *per se*, prejudices?

Before Parting...

Every article is like giving birth to a child! – The thrill of conception, endurance of carriage, pain of delivery and the joy of seeing the "baby". So far, all the articles have been "normal deliveries" but this time it was a "caesarian". It was like a tight rope walking – assimilating the inputs, constructing and conveying it with decorum, avoid sending any wrong signals, retaining the focus and what not!